

# **3 FAM 4740**

## **ADMINISTRATIVE REVIEW**

*(TL:PER-375; 11-09-1999)*

### **3 FAM 4741 DEFINITION**

*(TL:PER-257; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

An administrative review consists of an investigation of the case in question and a review of the factors by a designated official of the Bureau of Personnel.

### **3 FAM 4742 ACTION ON REQUEST**

*(TL:PER-257; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

a. If the designated official cannot resolve the grievance within 15 calendar days in a manner acceptable to the employee, the grievance shall be referred for inquiry by an examiner.

b. A qualified examiner will be provided by the Department whose participation would not result in a conflict of interest or position.

c. The examiner shall conduct an inquiry of the matter in scope appropriate to the issues involved in the grievance. At the examiner's discretion, an inquiry may consist of:

- (1) The securing of documentary evidence;
- (2) Personal interviews;
- (3) A group meeting;
- (4) A hearing; or
- (5) Any combination of items (1) through (4) above in this section.

### **3 FAM 4743 GRIEVANCE FILE**

*(TL:PER-375; 11-09-1999)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

The examiner shall establish a grievance file containing all documents related to the grievance and a report of the hearing when a hearing is held. When the examiner's inquiry is completed, the grievance file is available to the employee, and the employee's representative when there is one, for review and comment. The grievant shall be allowed *seven calendar days* for review of the file, unless the grievance examiner determines an extension is appropriate.

### **3 FAM 4744 HEARING**

*(TL:PER-257; 4-17-95)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

At the discretion of the examiner, a hearing may be held to determine the facts concerning the grievance. When the hearing is reported verbatim, the examiner shall make the transcript part of the record of proceedings. When the hearing is not reported verbatim, a suitable summary of pertinent portions of the testimony shall be made. When agreed to in writing by the parties, the summary constitutes the report of the hearing and is made part of the record of the proceedings. If the examiner and the parties fail to agree on the summary, the parties are entitled to submit written exceptions to any part of the summary. Those written exceptions and the summary constitute the report of the hearing and are made part of the record.

### **3 FAM 4745 EXAMINER FINDINGS**

*(TL:PER-257; 4-17-95)*  
*(State Only)*  
*(Applies to Civil Service Employees)*

a. The examiner shall prepare a report of findings and recommendations and shall submit that report, with the grievance file, to the Deputy Assistant Secretary, Bureau of Personnel, or designated representative.

b. Within 10 calendar days the Deputy Assistant Secretary, Bureau of Personnel, or designated representative shall:

(1) *Accept* the examiner's recommendations and issue the decision on the grievance;

(2) Grant the relief sought by the employee without regard to the examiner's recommendations; or

(3) Determine that the examiner's recommendations are unacceptable in whole or part and that the relief sought by the employee should not be granted.

c. A copy of the final decision is sent to the executive office of the organizational unit concerned and to the grievant along with a copy of the grievance examiner's report.

### **3 FAM 4746 CANCELLATION OF GRIEVANCE**

*(TL:PER-257; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

The Department shall cancel a grievance:

- (1) At the grievant's request;
- (2) Upon termination of the grievant's employment with the Department, unless the personal relief sought by the grievant may be granted after termination of employment;
- (3) Upon death of the grievant, unless the grievance involves a question of pay; or
- (4) For failure on the part of the grievant to furnish required information and duly proceed with the advancement of the grievance.

### **3 FAM 4747 APPEALS TO THE OFFICE OF PERSONNEL MANAGEMENT (OPM)**

*(TL:PER-257; 4-17-95)*

*(State Only)*

*(Applies to Civil Service Employees)*

Decisions under the Department's grievance system are not subject to review by OPM.

### **3 FAM 4748 THROUGH 4749 UNASSIGNED**